

1600 - LAND USE PLANNING MANUAL

Table of Contents

- .01 Purpose
- .02 Objectives
- .03 Authority
- .04 Responsibility
- .05 References
- .06 Policy
 - A. Planning Approach
 - B. Planning Base
 - C. Collaborative and Multi-jurisdictional Approaches to Planning
 - D. Plan Scale and Scope
 - E. Decision-making Levels and Procedures
- .07 File and Records Maintenance
- .08 Glossary

.01 Purpose. The purpose of this Manual is to provide further guidance to Bureau of Land Management (BLM) field personnel on the requirements of Sec. 201 and 202 of the Federal Land Policy and Management Act (FLPMA), 43 CFR 1600, and the National Environmental Policy Act (NEPA). This Manual section and Handbook are subservient to the legal and regulatory mandates cited in the authorities section of this Manual.

The land use planning process is the key tool used by BLM to protect resources and authorize uses on Federal lands managed by BLM. It is critical to ensuring a coordinated, consistent approach to managing these lands. This Manual and Handbook provide guidance for preparing new Resource Management Plans (RMPs), plan revisions, plan amendments, other equivalent plans (e.g., Management Framework Plans (MFPs) and plans from other agencies), and subsequent implementation level plans. The guidance outlines procedures and requirements to ensure that the BLM's plans meets regulatory and statutory requirements.

To the extent possible, this guidance integrates land use planning requirements with requirements under NEPA. This guidance is a further interpretation of the BLM Planning Regulations (43 CFR 1600) based on field practice and experiences gained since the planning regulations were completed in 1983. The guidance must be used in conjunction with the planning regulations.

.02 Objectives. These plans ensure the public lands are managed in accordance with the mission and goals of BLM's Strategic Plan and FLPMA (43 U.S.C. 1701 *et seq.*), under the principles of multiple use and sustained yield, and in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use by encouraging collaboration and public participation throughout the planning process.

To accomplish this, the BLM will:

A. Provide on a continuing basis an inventory of all public lands and their resource and other values. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values (FLPMA, Sec. 201 (a)).

B. Use a process for evaluating resource information, which includes consideration of the natural, cultural, and biological resources in conjunction with social and economic factors to decide appropriate public land uses.

C. Ensure opportunities for participation by Indian tribes, State and local governments, other Federal agencies, and the public in a way that coordinates land use inventory, planning, and management activities with these other jurisdictional entities. Such participation will help ensure that land use plans for public lands are consistent with the plans and policies of these entities (FLPMA, Sec. 202 (c) (9)) and that policies of approved Indian tribal land resource management programs are considered (FLPMA, Sec. 202 (b)).

D. Use collaborative and multi-jurisdictional approaches, to the extent possible, to encourage consistency in planning across different land ownerships and jurisdictions.

E. Provide to the public a documented record of land allocations and permissible resource uses and constraints.

F. Provide a framework to guide subsequent implementation decisions.

.03 Authority.....

The following is a list of major legal authorities relevant to BLM land use planning; it is not an inclusive list of BLM authorities.

A. The Federal Land Policy and Management Act of 1976 (FLPMA), as amended, 43 U.S.C. 1701 *et seq.*, provides the authority for BLM land use planning.

1. Sec. 102 (a) (7) and (8) sets forth the policy of the United States concerning the management of BLM lands.
2. Sec. 201 requires the Secretary of the Interior to prepare and maintain an inventory of all BLM lands and their resource and other values, giving priority to areas of critical environmental concern (ACECs); and, as funding and workforce are available, to determine the boundaries of the public lands, provide signs and maps to the public, and provide inventory data to State and local governments.
3. Sec. 202 (a) requires the Secretary, with public involvement, to develop, maintain, and when appropriate, revise land use plans that provide by tracts or areas for the use of the BLM lands.
4. Sec. 202 (c) (9) requires that land use plans for BLM lands be consistent with tribal plans and, to the maximum extent consistent with applicable Federal laws, with State and local plans.
5. Sec. 202 (d) provides that all public lands, regardless of classification, are subject to inclusion in land use plans, and that the Secretary may modify or terminate classifications consistent with land use plans.

6. Sec. 202 (f) and Sec. 309 (e) provide that Federal, State, and local governments and the public be given adequate notice and an opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of the public lands.
7. Sec. 302 (a) requires the Secretary to manage the BLM lands under the principles of multiple use and sustained yield, in accordance with, when available, land use plans developed under Sec. 202 of FLPMA, except that where a tract of BLM lands has been dedicated to specific uses according to any other provisions of law, it shall be managed in accordance with such laws.
8. Sec. 302 (b) recognizes the entry and development rights of mining claimants, while directing the Secretary to prevent unnecessary or undue degradation of the public lands.

B. The National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.*, requires the consideration and public availability of information regarding the environmental impacts of major Federal actions significantly affecting the quality of the human environment. This includes the consideration of alternatives and mitigation of impacts.

C. The Clean Air Act of 1990, as amended, 42 U.S.C. 7418, requires Federal agencies to comply with all Federal, State and local requirements regarding the control and abatement of air pollution. This includes abiding by the requirements of State Implementation Plans.

D. The Clean Water Act of 1987, as amended, 33 U.S.C. 1251, establishes objectives to restore and maintain the chemical, physical, and biological integrity of the Nation's water.

E. The Federal Water Pollution Control Act, 33 U.S.C. 1323, requires the Federal land manager to comply with all Federal, State, and local requirements, administrative authority, process, and sanctions regarding the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity.

F. The Colorado River Basin Salinity Control Act, 43 U.S.C. 1593, requires a comprehensive program for minimizing salt contributions to the Colorado River from BLM lands.

G. The Safe Drinking Water Act, 42 U.S.C. 201, is designed to make the Nation's waters "drinkable" as well as "swimmable." Amendments in 1996 establish a direct connection between safe drinking water and watershed protection and management.

H. The Endangered Species Act (ESA) of 1973, as amended, 16 U.S.C. 1531 *et seq.*:

1. Provides a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and to provide a program for the conservation of such endangered and threatened species (Sec. 1531 (b), Purposes).
2. Requires all Federal agencies to seek to conserve endangered and threatened species and utilize applicable authorities in furtherance of the purposes of the Endangered Species Act (Sec. 1531 (c) (1), Policy).
3. Requires all Federal agencies to avoid jeopardizing the continued existence of any species that is listed or proposed for listing as threatened or endangered or destroying or adversely modifying its designated or proposed critical habitat (Sec. 1536 (a), Interagency Cooperation).
4. Requires all Federal agencies to consult (or confer) in accordance with Sec. 7 of the ESA with the Secretary of the Interior, through the Fish and Wildlife Service and/or the National Marine Fisheries Service, to ensure that any Federal action (including land use plans) or activity is not likely to jeopardize the continued existence of any species listed or proposed to be listed under the provisions of the ESA, or result in the destruction or adverse modification of designated or proposed critical habitat (Sec. 1536 (a), Interagency Cooperation, and 50 CFR 402).

I. The Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 *et seq.*, requires the Federal land management agencies to identify potential river systems and then study them for potential designation as wild, scenic, or recreational rivers.

J. The Wilderness Act, as amended, 16 U.S.C. 1131 *et seq.*, authorizes the President to make recommendations to the Congress for Federal lands to be set aside for preservation as wilderness.

K. The Antiquities Act of 1906, 16 U.S.C. 431-433, protects cultural resources on Federal lands and authorizes the President to designate National Monuments on Federal lands.

L. The National Historic Preservation Act (NHPA), as amended, 16 U.S.C. 470, expands protection of historic and archaeological properties to include those of national, State, and local significance and directs Federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.

M. The American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996, establishes a national policy to protect and preserve the right of American Indians to exercise traditional Indian religious beliefs or practices.

N. The Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 *et seq.*, authorizes the Secretary of the Interior to lease or convey BLM lands for recreational and public purposes under specified conditions.

O. The Federal Coal Leasing Amendments Act of 1976, 30 U.S.C. 201 (a) (3) (A) (i), requires that coal leases be issued in conformance with a comprehensive land use plan.

P. The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, requires application of unsuitability criteria prior to coal leasing and also to proposed mining operations for minerals or mineral materials other than coal.

Q. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*, authorizes the development and conservation of oil and gas resources.

R. The Onshore Oil and Gas Leasing Reform Act of 1987, 30 U.S.C. 181 *et seq.*, provides:

1. Potential oil and gas resources be adequately addressed in planning documents;
2. The social, economic, and environmental consequences of exploration and development of oil and gas resources be determined; and
3. Any stipulations to be applied to oil and gas leases be clearly identified.

S. The General Mining Law of 1872, as amended, 30 U.S.C. 21 *et seq.*, allows the location, use, and patenting of mining claims on sites on public domain lands of the United States.

T. The Mining and Mineral Policy Act of 1970, 30 U.S.C. 21a, establishes a policy of fostering development of economically stable mining and minerals industries, their orderly and economic development, and studying methods for disposal of waste and reclamation.

U. The Taylor Grazing Act of 1934, 43 U.S.C. 315, “[T]he Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto . . . of vacant unappropriated and unreserved lands from any part of the public domain . . . which in his opinion are chiefly valuable for grazing and raising forage crops[.] . . .” The Act also provides for the classification of lands for particular uses.

V. The Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901, provides that the public rangelands be managed so that they become as productive as feasible in accordance with management objectives and the land use planning process established pursuant to 43 U.S.C. 1712.

W. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), 49 *Fed. Reg.* 7629 (1994), requires that each Federal agency consider the impacts of its programs on minority populations and low income

populations.

X. Executive Order 13007 (Indian Sacred Sites), 61 *Fed. Reg.* 26771 (1996), requires Federal agencies to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions to:

1. Accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners; and
2. Avoid adversely affecting the physical integrity of such sacred sites.

Y. Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) provides, in part, that each Federal agency shall establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities.

Z. Executive Order 13112 (Invasive Species) provides that no Federal agency shall authorize, fund or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions.

AA. Secretarial Order 3175 (incorporated into the Departmental Manual at 512 DM 2) requires that if Department of the Interior (DOI) agency actions might impact Indian trust resources, the agency explicitly address those potential impacts in planning and decision documents, and the agency consult with the tribal government whose trust resources are potentially affected by the Federal action.

BB. Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act) requires DOI agencies to consult with Indian Tribes when agency actions to protect a listed species, as a result of compliance with ESA, affect or may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights.

.04 Responsibility.

A. Director, Bureau of Land Management, is responsible for:

1. Establishing national goals in the BLM Strategic Plan, as required under the Government Performance and Results Act of 1993.
2. Providing national level policy guidance and direction for land use planning at

several scales.

3. Resolving protests to proposed land use plans and amendments.

B. State Directors are responsible for:

1. Providing policy guidance and direction reflecting national strategic goals for regional, sub-basin, and local land use planning, where appropriate, and for RMPs, subsequent implementation plans, and project level plans, within their States.
2. Approving land use plans and amendments.

C. Field Managers are responsible for:

1. Preparing and implementing plans, including RMPs, implementation plans, and project-level plans.
2. Ensuring that all activities on public lands conform to approved land use plan decisions.
3. Approving implementation decisions.

.05 References.

- A. 43 CFR 1600, BLM Planning Regulations.
- B. 43 CFR 4, Department Hearings and Appeals Procedures.

.06 Policy.

A. Planning Approach. The BLM will use a collaborative approach, where possible and as appropriate, when preparing or amending land use plans. Land use planning will occur within the goals of the BLM Strategic Plan and in accordance with applicable laws, regulations, and guidance. When making land use plan decisions BLM, will consider scientific information gained from resource assessments, ecosystem protection and restoration needs, the reasonable foreseeable development of recreation and commodity uses, and social and economic information.

B. Planning Base. The BLM has developed a comprehensive set of land use planning decisions which are described in MFPs, RMPs , and other equivalent plans. Other equivalent plans include:

1. Plans prepared by other agencies and adopted by the BLM (43 CFR 1610.5-7).

2. Planning analyses prepared by BLM for BLM-managed areas that are outside current RMP or MFP planning boundaries.

This planning base covers nearly all the public land managed by the BLM. The planning base will evolve through the preparation of new RMPs, amendments and revisions:

1. In response to evaluations of consistency with current laws, regulations, and policies.
2. Upon determining that a new land use plan is needed based on the assessment of resource conditions.
3. When new science, data, or information indicates a need to change previous decisions.
4. Upon determining that current plans do not provide adequate management direction.
5. When new proposals or actions not evaluated in previous land use plans are put forth.

As funding permits, the BLM will prepare new RMPs for BLM managed areas where none currently exists. Such areas include those currently covered by MFPs, areas covered by planning analyses, newly acquired areas placed under BLM management, and areas for which BLM has not yet completed any planning (e.g., portions of Alaska). The BLM will use the procedures outlined in this Manual and Handbook to prepare RMPs for National Monuments, National Conservation Areas, or other areas that warrant an RMP.

C. Collaborative and Multi-jurisdictional Approaches to Planning.

1. BLM will use collaborative and multi-jurisdictional approaches, where possible and as appropriate, to provide additional opportunities for identification and resolution of issues relating to use of the BLM lands. Collaboration is a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions that optimize protection and use of the BLM lands. Collaboration can be used to encourage the development of shared landscape goals and objectives and to gain the necessary support for implementation.

2. While the ultimate responsibility regarding land use plan decisions on the BLM-administered lands rests with the BLM official, managers have discovered that when people, communities, and government work together toward a commonly understood objective, there is significant improvement in the stewardship of BLM lands. A collaborative approach to planning means the BLM must work together with other Federal, tribal, State, and local governments and interested parties from the earliest stages and throughout the planning process to address common needs and goals within the planning area. The approach is effective whether the BLM is planning solely for BLM lands or as a partner in multi-jurisdictional planning efforts in which there are multiple public and nonpublic land ownerships and jurisdictions.

D. Planning Scale and Scope. Planning, decision-making, and assessment may be done at multiple scales to ensure that decisions properly address issues, trends, and concerns. For instance, assessment and planning of regional issues, while not required, could set the context for RMPs or multi-jurisdictional plans and subsequent implementation plans. Multiple scales of planning decisions, from national to site-specific, provide a comprehensive land use planning base for resource management within the context of the FLPMA. Assessment and planning at different geographic scales allow the public to better focus on the level where its interests lie and allow the agency to make decisions at a scale most appropriate for the issues at hand and at a scale appropriate for the level of information available.

E. Decision-making Levels and Procedures.

1. Procedures for making decisions vary depending on whether the decisions are land use plan decisions or implementation decisions, and depending on the level of impacts of the decisions. The BLM will make land use plan decisions using the NEPA process in conjunction with the planning requirements at 43 CFR 1600. Proposed land use plan decisions can be protested under 43 CFR 1610.5-2.

2. The BLM will normally make implementation decisions in implementation plans, or as stand alone decisions, using program-specific requirements and applicable NEPA procedures. These decisions are generally appealable to the Interior Board of Land Appeals (IBLA) through the Office of Hearings and Appeals (OHA) under 43 CFR 4, or other authorities specific to resource programs. Handbook H-1600-1, Sections III and IV, provides additional detail on procedural requirements for both land use plan decisions and implementation decisions. Handbook H-1600-1, Appendix F, provides additional detail on protest and appeal provisions.

.07 File and Records Maintenance [Reserved]

.08 Glossary Acronyms and terms are defined in Handbook H-1600-1.